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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,586	03/13/2001	John Anthony Lotspih	DP-301891	1171

7590 09/25/2002

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
3636	

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Offic Action Summary**

Application No.	Applicant(s)	
09/805,586	LOTSPIH, JOHN ANTHONY	
Examiner	Art Unit	
Joseph F Edell	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 11 July 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 March 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    6) Other: \_\_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–  
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,065,772 to Yamamoto et al.

Yamamoto et al. disclose an air bag assembly that includes all the limitations recited in claims 1 and 2. Yamamoto et al. show an air bag assembly having an inflator 22 (Fig. 11a), a first inflatable portion 51 (Fig 11a), a second inflatable portion 53 (Fig. 11c), a first expansion restraining element 55 (Fig. 11a) extending partially but not completely across the width of the air bag cushion in substantially nonparallel relation to the flow path of the inflation medium, and a second expansion restraining element 57 (Fig. 11b) extending partially but not completely across the air bag cushion in opposing staggering relation to the first expansion element in substantially nonparallel relation to the flow path of the inflation medium.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. in view of U.S. Patent No. 6,129,377 to Okumura et al.

Yamamoto et al. disclose an air bag assembly that is basically the same as that recited in claims 3, 4, and 7-11 except that the cushion is not formed from a single piece of material, as recited in the claims. Okumura et al. show an air bag assembly similar to that of Yamamoto et al. wherein the cushion 15 (Fig. 9) is formed from a single piece of woven textile that is folded and enclosed with a perimeter seam. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the air bag assembly of Yamamoto et al. such that the cushion is formed from a single piece of woven fabric, such as the air bag assembly disclosed in Okumura et al. One would have been motivated to make such a modification in view of the suggestion in Okumura et al. that an air bag formed from a single piece of woven fabric is simple to manufacture.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. in view of U.S. Patent No. 5,618,595 to Matsushima et al.

Yamamoto et al. disclose an air bag assembly that is basically the same as that recited in claims 5 and 6 except that the cushion yard density is not specified, as recited in the claims. Matsushima et al. show an air bag assembly similar to that of Yamamoto et al. wherein the cushion 1 (Fig. 1) has a density of about 840 denier (see column 1, lines 18-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the air bag assembly of Yamamoto et al. such that the cushion has a yarn density of about 105 denier to about 840 denier and denier per filament of yarns in the range of about 3 to about 6, such as the air bag assembly disclosed in Matsushima et al. One would have been motivated to make such a modification in view of the suggestion in Matsushima et al. that the linear density of about 840 denier is average.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to air bag assemblies:

U.S. Pat. No. 5,536,038 to Bollaert et al. U.S. Pat. No. 5,586,782 to Zimmerman et al.  
U.S. Pat. No. 5,718,450 to Hurford et al. U.S. Pat. No. 5,899,490 to Wipasuramonton et al.  
U.S. Pat. No. 6,142,507 to Okuda et al.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Art Unit: 3636

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE

September 13, 2002



Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600